

OCTOBER 11, 2001

TESTIMONY OF ROBERT FLETCHER, PRESIDENT, SPORTFISHING ASSOCIATION OF CALIFORNIA, BEFORE THE SUBCOMMITTEE ON FISHERIES CONSERVATION, WILDLIFE AND OCEANS

REGARDING THE
MARINE MAMMAL PROTECTION ACT

Chairman Gilchrest & Members:

My name is Robert Fletcher, and I am the President of the Sportfishing Association of California, (SAC), which is a non-profit political organization representing the interests of the commercial passenger fishing vessel (CPFV) fleet in southern California. SAC represents about 175 boats operating from 23 different Sportfishing landings. Member-boats operate in all major ports between Morro Bay and San Diego, and carry close to 750,000 passengers a year on sportfishing, sport diving and natural history excursions.

29 years after passage of the MMPA, the population of California sea lions has rebounded beyond anyone's expectations, and today the population probably exceeds historic levels. The result of this expansion has been an ever-escalating battle between sport and commercial fishermen and sea lions that the fishermen are losing. These robust populations of sea lions are constantly learning new ways to interact with the boats in the SAC fleet, and over the last few years a small number of individual animals have learned to identify the boats in the fleet. They lay in wait near the harbor entrance, and then follow these boats to the fishing grounds. It makes no difference how many moves the Captain makes, the sea lions just follow in the wake and then ambush the passengers' fish once they hook them. In total frustration, one skipper reported to the outdoor editor of the local paper that he had had great day fishing but a poor day catching, thanks to the sea lions! His report included 38 fish *heads* and two whole fish! Sea lions 38 - anglers 2!

Another escalating problem concerns the bait receivers, which are underwater boxes in most of the harbors along the coast where the bait companies hold their live bait for later sale to the commercial sportfishing boats, as well as the large fleet of private recreational boaters. A relatively few problem animals have learned that if they blow bubbles under these bait receivers, the bait will panic and scatter out through the openings in the boxes, and thus become easy prey. On average, the bait receiver operators indicate that less than 50% of the bait placed into the boxes is later available for sale. This problem is not an isolated one, but occurs in most harbors along the California coast. As if these losses were not enough, the harvest of live bait along the coast can be seriously affected by 'packs' of sea lions that wait until the bait is encircled in a net, then pour over the cork line and feast on the trapped bait fish, damaging most of it in the process. In other cases on these bait docks, sea lions have become so aggressive as to lunge at crewmembers in an attempt to get by them and into the nets holding bait that is being readied for sale. I have also included an article from this August's Western Outdoor News to show you just how aggressive these animals can become with recreational anglers on small boats.

So far I have talked about recreational fishing problems with sea lions, but commercial fishermen face the same conflicts and predation. Drift gill net swordfish fishermen complain that in the last few years, sea lions have destroyed more than half the swordfish in their nets before they can bring the nets on board, and these nets are being fished at times more than 100 miles offshore. Lobstermen claim that a group of rogue animals

have learned that they can get a free meal if they smash the trap apart so they can get at the bait inside. At times the losses by these fishermen exceed half the traps they set out.

Set gill net fishermen fishing white seabass and halibut outside three miles have told me that on occasion they have lost their entire catch to predation by sea lions.

Finally, the salmon troll fishery in Central California, Oregon and Washington continues to have severe problems with loss of catch to sea lions. Once again a relatively small group of sea lions have learned to follow in the wake of these troll fishermen, watching the activities of the crew on deck. When they see the crewmember go to the gurney to bring in a hooked salmon, they dive down, approach the hooked fish from behind and rip it off the hook. One long-time, highly respected fisherman, Dave Danbom, told of a day where he lost 68 salmon in a row before returning to the anchorage in disgust.

Mr. Chairman, I would also like to comment on the 1999 NMFS *Report to Congress on Impacts of California Sea Lions and Pacific Harbor Seals on Salmonids and West Coast Ecosystems*, and specifically on several of its recommendations. I am an advisor and past Commissioner on the Pacific States Marine Fisheries Commission (PSMFC), and was involved in a cooperative effort with NMFS to develop the Report, which is an outstanding treatment of this controversial subject. By far and away the most important recommendation was that Congress, "Develop Safe, Non-Lethal Deterrents". SAC has worked for years and spent tens of \$1,000s in an effort to find just such a device. So far we have been unsuccessful, although NMFS has supported our efforts through S-K grants, and more recently our efforts and NMFS' have stalled due to the environmental communities' concern for the possibility that such a device may accidentally cause some negative impact to the pinnipeds as we attempt to redirect their attention away from our catch and gear. These are intelligent marine mammals and don't discourage easily!

Notwithstanding these problems, I strongly encourage this Subcommittee to make development of non-lethal devices a high priority, and within your fiscal limitations make funds available to create incentives for private-sector development of an effective device. I am sure the technology is out there; we just need the stimulus that federal grants would provide. Australia has similar problems and could also bring some expertise to the table.

A second important recommendation would, "Implement Site-Specific Management for California Sea Lions and Pacific Harbor Seals." A common thread that runs through most fisheries-pinniped interactions is that a relatively few animals, rogue animals if you will, are creating the majority of the problems. Unfortunately, over time these few are teaching others to, for example, lie in wait at the mouth of spawning streams or fish ladders and "ambush" listed salmonid adults as they return to spawn; follow along behind commercial or recreational salmon boats to 'rip off' hooked fish; follow commercial passenger fishing boats as they leave the harbor and then grab and eat or damage the passengers' catch. If state or federal resource agency officials could be given general authority for limited lethal removal in those specific areas or in those instances where a documented nuisance animal is operating, the magnitude of the interactions would decline dramatically.

Chairman Gilchrest and members, recreational and commercial fishing on the west coast provides significant economic activity for the coastal communities, but will continue to struggle as long as problem sea lions are allowed to have free rein in our coastal waters.

Pacific harbor seals are a lesser problem but with populations on the increase these pinnipeds will also create difficulties, mainly in central California. I would again encourage you to become familiar with the

NMFS Report on Seal and Sea Lion Impacts, as it has a wealth of timely information and well thought out recommendations that are even more on target today than when released two years ago.

I haven't touched on the Report's final recommendation, so I would like to make a few remarks on the importance of 'Information Needs' before I close. The last few years have seen a significant increase in the population of California Sea Lions and Pacific Harbor Seals, as well as reports of new levels of interactions between seals and fisheries, and some disturbing reports of cases where sea lions came close to, or did in fact, injure anglers. I had a sea lion jerk a yellowtail out of my hand as I was attempting to release it from a lure, and in the process narrowly missed being hooked myself. An angler in Monterey Bay was bitten in the forearm by a sea lion as he netted a salmon he had just brought to the boat.

This new information is critical in order to follow the changes to marine mammal populations on the west coast, as well as to better understand how these intelligent animals are learning to more effectively live off the efforts of commercial and recreational fishermen, and how they are affecting listed salmonid stocks. As a result, it is of utmost importance that Congress continues funding the collection of timely data on the status of these robust stocks, as well as collecting timely information on the kinds of pinniped-fisheries interactions that are occurring.

Chairman Gilchrest, thank you for the opportunity to provide comments to the Subcommittee on issues of such critical importance to my industry, and I will of course be glad to answer any questions that you or members may have.

Robert C. Fletcher, President -- Sportfishing Association of California.